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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,442	02/21/2001	Wiebe De Haan	PHN17,516	6266
24737	7590	07/21/2008		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS				
P.O. BOX 3001				
BRIARCLIFF MANOR, NY 10510				
EXAMINER				
VENT, JAMIE J				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
07/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/763,442

Applicant(s)

DE HAAN, WIEBE

Examiner

JAMIE JO VENT

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 10, 2008 have been fully considered but they are not persuasive. On pages 12-14 applicant argues that Kashiwagi et al (US 6,393,574) in view of Yamane et al (US 5,784,528) in further view of Nakai et al (US 5,999,698) in Nakatani et al (US 6,118,924) fails to disclose, suggest, or teach the following limitation "defining free space title that represents free space that is available on the disc within the video object storage area and including the free space title in the title list as recited in independent claim 1. It is taught by Nakatani et al the defining of free space titles which represent free space left on the recording medium as taught in Column 37 Lines 44-67 and Column 8 Lines 1-22. The free space title area allows the assigning of unassigned free space when further recording and storing is needed. Furthermore, it is taught by Nakatani the free space unassigned title lists are provided in the management table of the video object wherein the free space can be provided by table or list structures and further provided in the title list of the recording medium as discussed in Column 13 Lines 1-18. Although, all of applicants points are understood the examiner can not agree and the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-6,8-17,19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwagi et al (US 6,393,574) in view of Yamane et al (US 5,784,528) in further view of Nakai et al (US 5,999,698) in Nakatani et al (US 6,118,924).

[claims 1, 6, & 17]

In regard to Claims 1, 6, and 17, Kashiwagi discloses a method of recording an encoded bit stream, said encoded bit stream representing a plurality of video objects comprising a sequence of cells together constituting a part of an MPEG2 Program Stream, on a disc like record carrier, such as an optical disc, said method comprising:

- Recording a collection of contiguously arranged video objects in a video object storage area of said disc (Column 61 lines 51-57 describes the collection of contiguously arranged in a video object storage area);
- Recording management information in a management information area of said disc for storing information about recording video objects (Figure 22 and further described in Column 19 lines 64+ through Column 20 Lines 1-12); Said collection is partitioned into adjacent recording that represent playable titles characterized by
- Defining a playable title as playback sequence of all complete cells or subsets of complete cells of a recording in order of allocation within the video object storage area on the disc (Column 20 Lines 31-39 describes the defining of the playable titles); however, fails to disclose generating a

title list of titles stored in the order of arrangement within the video object area on said disc and defining a free space title that represents free space that is available on the disc within the video object storage area and including the free space title in the title list.

Yamane et al discloses a system wherein the generation of title list of titles stored in order of arrangement within the video object as described in Column 9 Lines 35+. The title list provides proper storing and collecting of data that is present on the disk. It is additionally taught by Nakai to have recorded video objects that represent playable titles as seen in Figure 44. It is further disclosed the recorded video objects and the use of these objects in Column 20 Lines 31-39. The objects providing a link of to playable titles provide the recording medium with efficient storage of the arranged data.

Nakatani et al teaches additional titling space and the representation of free space that is available on the disc is detected based on unassigned areas (Column 37 Lines 44+). The detected areas containing free space provides a free space list of spaces available on the DVD (Column 38 Lines 18-22) that allow for the data to be marked as free space within the video object storage area to provide for efficient processing of the recorded data.

Therefore, it would have been obvious to one of ordinary skill in the art to use a method of recording an encoded bit stream, as disclosed by Kashiwagi, and further incorporate the generation of title list to allow for proper marking of the recorded video, as disclosed by Yamane et al, and further incorporate a system that provides video objects with playable titles to provide an efficient processing of the video stream, as

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described by Nakai, and further teach the system to have free space titling, as taught by Nakatani, to provide the combination of elements to the produce a system that allows for proper detection, marking, and processing of the video stream based on title information to provide a more efficient system for the user .

[claims 3, 8, & 19]

In regard to Claims 3, 8, and 19, Kashiwagi discloses a method characterized by blocking free space titles for playback (Column 19 Lines 5-25 describes the blocking free space titles).

[claims 4, 9, 16, & 20]

In regard to Claims 4, 9, and 20, Kashiwagi discloses a method characterized by converting a deleted title to a free space title (column 19 Lines 5+ describes the deletion of title to a free space title).

[claim 5]

In regard to Claim 5, Kashiwagi discloses a method characterized by generating a title menu listing the titles in the same order as in the title table for allowing user access to the titles (column 20 Lines 40-60 describes the generating of a title menu).

[claim 10]

In regard to Claim 10, Kashiwagi discloses a recording apparatus characterized in that the system control means are adapted to generate a title menu listing the titles in the same order as the title table for allowing user access to the titles and recording means comprises output means for displaying the title menu (Column 20 Lines 40-60 describes the title menu listing in a table).

[claim 11]

In regard to Claim 11, Kashiwagi discloses a method wherein the generating the title list of titles further comprises generating titles for both the playback sequence of all complete cells and the subset of complete cells (Column 19 lines 64+ through Column 20 lines 1-20 describes the playback sequence of all complete cells).

[claims 12 & 13]

In regard to Claims 12 and 13, Kashiwagi a method wherein generating the title list of titles comprises: Defining a free space title that represents free space; Deleting at least one of the playback sequence of all complete cells and converting the deleted sequence into the free space title; and Wherein the free space title representing the deleted sequence includes the title for the subset of complete cells ((Column 19 lines 5+ describes the free space title that represents the free space)

[claim 14]

In regard to Claim 14, Kashiwagi discloses a recording apparatus wherein the system control means further generate the title list of titles for both the playback sequence of all complete cells and the subset of complete cells (Column 20 lines 40-60 describes the generation of title lists).

[claim 15]

In regard to Claim 15, Kashiwagi discloses a recording apparatus wherein the system control means generates a free space title representing free space within the video object area and including the free space title in the title list, deletes at least one of the playback sequence of all complete cells and converting the deleted sequence into free

space title, and wherein the free space title representing the deleted sequence includes the title for the subset of complete cells (Column 20 lines 40-60 describes the generation of the various lists).

[claim 21]

In regard to Claim 21, Nakatani et al discloses a recording apparatus comprising the act of creating two titles for the recording the two titles a full title and a play list title (Column 38 Lines 1-30 describes the various titles associated with the recording of information onto the recording medium and additionally described in Column 13 Lines 10-18).

[claim 22]

In regard to Claim 22, Nakatani et al discloses a method wherein the full title is different from the play list title, the play list title play back of a subset of cells which are included in the full title (Column 13 Lines 1-30 describe the title lists associated with various cells and objects wherein various cells can represent portions of the video).

[claim 23]

Regarding Claim 23, the claim limitations have been discussed in Claim 21.

[claim 24]

Regarding Claim 24, the claim limitations have been discussed in Claim 22.

[claim 25]

Regarding Claim 25, the claim limitations have been discussed in Claim 21.

[claim 26]

Regarding Claim 26, the claim limitations have been discussed in Claim 22.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO VENT whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art
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/J. J. V./
Examiner, Art Unit 2621